

CLOSED

**U. S. District Court  
Western District of Arkansas (Harrison)  
CIVIL DOCKET FOR CASE #: 3:11-cv-03020-PKH**

Adams v. Equal Employment Opportunity Commission et al  
Assigned to: Honorable P. K. Holmes, III  
Cause: 05:551 Administrative Procedure Act

Date Filed: 03/11/2011  
Date Terminated: 09/26/2012  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Dale B Adams**

represented by **Dale B Adams**  
2313 Anvil Drive  
Harrison, AR 72601  
870-204-6164  
PRO SE

V.

**Defendant**

**Equal Employment Opportunity  
Commission**

represented by **Claude S. Hawkins , Jr.**  
U.S. Attorney's Office  
414 Parker Avenue  
Fort Smith, AR 72901  
(479) 783-5125  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Deborah Fennell Groom**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Chairman Stuart J. Ishimaru**  
*EEOC*  
*TERMINATED: 06/08/2011*

represented by **Claude S. Hawkins , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Deborah Fennell Groom**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jacqueline A. Berrien**  
*Chair of the Equal Employment  
Opportunity Commission*

represented by **Deborah Fennell Groom**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/11/2011	<u>1</u>	COMPLAINT with Jury Demand against Equal Employment Opportunity Commission, and Chairman Stuart J. Ishimaru, filed by Dale B Adams.(lw) (Entered: 03/11/2011)
03/11/2011	<u>2</u>	CIVIL COVER SHEET for case initiated by Dale B Adams. (lw) (Entered: 03/11/2011)
03/11/2011	<u>3</u>	MOTION for Leave to Proceed in forma pauperis, MOTION for Service by Dale B Adams. (lw) (Entered: 03/11/2011)
03/11/2011		MOTIONS REFERRED: <u>3</u> MOTION for Leave to Proceed in forma pauperis MOTION for Service. Motions referred to Honorable James R. Marschewski.(lw) (Entered: 03/11/2011)
03/11/2011	<u>4</u>	ORDER granting <u>3</u> Motion for Leave to Proceed in forma pauperis. The matter of service will be determined at a later time. Signed by Honorable James R. Marschewski on March 10, 2011. (lw) (Entered: 03/11/2011)
06/08/2011	<u>5</u>	ORDER granting <u>3</u> Motion for Service and DIRECTING SERVICE on Jacqueline A. Berrien, the U.S. Department of Justice, Attorney General, Eric H. Holder, the U.S. Attorney, in Fort Smith, Ar. Defendant is to answer within 60 days from the date of service. Signed by Honorable James R. Marschewski on June 8, 2011. (cc: U.S. Marshals Service--Certified)(sh) Modified to add text on 6/8/2011 (sh). (Entered: 06/08/2011)
06/08/2011		(2)USM285 Form Delivered to USMS re <u>5</u> Order on Motion for Service. (sh) (Entered: 06/08/2011)
06/15/2011	<u>6</u>	USM/285 SUMMONS Returned Executed upon Jacqueline A. Berrien and Equal Employment Opportunity Commission, served on 6/9/2011, by serving the United States Attorney, Western District of Arkansas, Fort smith, AR, answer due 8/8/2011. (sh) (Entered: 06/15/2011)
08/01/2011	<u>7</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint by Equal Employment Opportunity Commission, Chairman Stuart J. Ishimaru. (Hawkins, Claude) (Entered: 08/01/2011)
08/02/2011		TEXT ONLY ORDER granting <u>7</u> Motion for Extension of Time. Defendants' response to the Complaint is due September 22, 2011. Signed by Honorable Jimm Larry Hendren on August 2, 2011. (kcg) (Entered: 08/02/2011)
09/21/2011	<u>8</u>	ANSWER to <u>1</u> Complaint by Jacqueline A. Berrien, Equal Employment Opportunity Commission, Chairman Stuart J. Ishimaru.(Groom, Deborah) (Entered: 09/21/2011)
10/18/2011	<u>9</u>	INITIAL SCHEDULING ORDER: Final Scheduling Order issue date 12/19/2011. Jury Trial set for 9/10/2012 08:30 AM in Harrison -- 2nd flr (Rm 231) before Honorable Jimm Larry Hendren. Signed by Honorable Jimm Larry Hendren on October 18, 2011. (gg) (Entered: 10/18/2011)
11/02/2011		TEXT ONLY MEMO OF REASSIGNMENT. Case Reassigned to Honorable P. K. Holmes, III. Honorable Jimm Larry Hendren no longer assigned to the case. (mfr) (Entered: 11/02/2011)
12/02/2011	<u>10</u>	MOTION to Amend/Correct <u>9</u> Initial Scheduling Order to <i>Set Briefing Schedule</i> by Jacqueline A. Berrien, Equal Employment Opportunity Commission. (Groom, Deborah) (Entered: 12/02/2011)
12/02/2011	<u>11</u>	MEMORANDUM BRIEF in Support of <u>10</u> MOTION to Amend/Correct <u>9</u> Initial Scheduling Order to <i>Set Briefing Schedule</i> by Jacqueline A. Berrien, Equal Employment Opportunity Commission. (Groom, Deborah) (Entered: 12/02/2011)
12/07/2011	<u>12</u>	ORDER granting in part and denying in part <u>10</u> Motion to Amend/Correct. The Court orders that, to the extent defendants seek amendment or correction of the Initial Scheduling Order, their Motion is DENIED, and that the deadlines set forth in the Initial Scheduling Order <u>19</u> should be and are TEMPORARILY STAYED. It is further ordered that parties are directed to file any Motions for Summary

		Judgment on or before January 3, 2012. Responses are due 14 days after the filing date of any responses. Should the parties fail to timely file a Motion for Summary Judgment, the court will enter an Order lifting the temporary stay and directing parties to confer in accordance with Fed. P.26(f). Signed by Honorable P. K. Holmes, III on December 7, 2011. (sh) (Entered: 12/07/2011)
12/16/2011	<u>13</u>	***DISREGARD – FILED IN ERROR*** AMENDED FINAL SCHEDULING ORDER: Jury Trial set for 9/24/2012 at 09:00 AM in Harrison — 2nd flr (Rm 231) before Honorable P. K. Holmes, III. Signed by Jane Ann Short, Courtroom Deputy for Honorable P. K. Holmes, III on December 16, 2011. Copy of order mailed to non-CM/ECF participant. (jas) Modified text on 12/28/2011 (jas). Copy of regenerated NEF mailed to non-CM/ECF participant. (Entered: 12/16/2011)
12/28/2011	<u>14</u>	MOTION for Leave to Amend complaint, filed by Dale B Adams. (sh) (Entered: 12/28/2011)
12/28/2011		TEXT ONLY ORDER Setting/Resetting Hearings: Jury Trial RE–SET for 9/24/2012 at 09:00 AM in Harrison — 2nd flr (Rm 231) before Honorable P. K. Holmes, III. Signed by Honorable P. K. Holmes, III on December 28, 2011. Copy of Text Only Order mailed to non-CM/ECF participant. (jas) (Entered: 12/28/2011)
12/28/2011		TEXT ONLY ORDER REFERRING MOTION: <u>14</u> MOTION for Leave to Amend Complaint filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on December 28, 2011. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 12/28/2011)
01/03/2012	<u>15</u>	MOTION for Summary Judgment by Jacqueline A. Berrien, Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Declaration of Garner)(Groom, Deborah) (Entered: 01/03/2012)
01/03/2012	<u>16</u>	MEMORANDUM BRIEF in Support of <u>15</u> MOTION for Summary Judgment by Jacqueline A. Berrien, Equal Employment Opportunity Commission. (Groom, Deborah) (Entered: 01/03/2012)
01/03/2012	<u>17</u>	STATEMENT OF FACTS in support of <u>15</u> MOTION for Summary Judgment by Jacqueline A. Berrien, Equal Employment Opportunity Commission. (Groom, Deborah) (Entered: 01/03/2012)
01/06/2012	<u>18</u>	MOTION for leave to Amend Complaint and Combine All Pending Cases filed by Dale B Adams. (Attachments: # <u>1</u> Exhibit A–Request of 2/27/11, # <u>2</u> Exhibit B–Letter of 8/5/09, # <u>3</u> Exhibit B–2–Letter of 8/9/09, # <u>4</u> Exhibit D–Affidavit of Cherie Adams, # <u>5</u> Exhibit E–letter of 3/31/11, # <u>6</u> Exhibit F–letter of 7/12/11, # <u>7</u> Exhibit F–2–Letter of 10/29/09, # <u>8</u> Exhibit G–affidavit of Cherie and Dale Adams)(sh) (Additional attachment(s) added on 1/6/2012: # <u>9</u> Supplement Amended Complaint for Injunctive and Declaratory Relief) (sh). Modified on 1/6/2012 (sh). (Entered: 01/06/2012)
01/09/2012		TEXT ONLY ORDER REFERRING MOTION: <u>18</u> MOTION to Amend/Correct filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on January 9, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 01/09/2012)
01/18/2012	<u>19</u>	RESPONSE by Dale B Adams re <u>15</u> MOTION for Summary Judgment. (lw) (Entered: 01/18/2012)
01/18/2012	<u>20</u>	STATEMENT OF FACTS by Dale B Adams. (Attachments: # <u>1</u> Exhibit A, B, F, J)(lw) (Entered: 01/18/2012)
01/24/2012		TEXT ONLY ORDER REFERRING MOTION: <u>15</u> MOTION for Summary Judgment filed by Jacqueline A. Berrien, Equal Employment Opportunity Commission. Signed by Honorable P. K. Holmes, III on January 24, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 01/24/2012)
02/07/2012	<u>21</u>	MOTION and BRIEF in support to Strike amending complaint and incriminating pleadings by Dale B Adams. (rw) (Entered: 02/07/2012)
02/08/2012		TEXT ONLY ORDER REFERRING MOTION: <u>21</u> MOTION to Strike filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on February 8, 2012.

		Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 02/08/2012)
02/27/2012	<u>22</u>	NOTICE of Constitutional Challenge by Dale B Adams (rw) (Entered: 02/27/2012)
02/27/2012	<u>23</u>	***PLEASE DISREGARD DOCUMENT FILED IN WRONG CASE.*** MOTION for Appointment of Counsel by Dale B Adams. (rw) Modified on 2/27/2012 (rw). (Entered: 02/27/2012)
03/29/2012	<u>24</u>	MOTION to Dismiss Case by Dale B Adams. (rw) (Entered: 03/29/2012)
04/02/2012	<u>25</u>	RESPONSE to Motion re <u>24</u> MOTION to Dismiss Case filed by Jacqueline A. Berrien, Equal Employment Opportunity Commission. (Groom, Deborah) (Entered: 04/02/2012)
04/09/2012	<u>26</u>	MOTION to Withdraw <u>24</u> MOTION to Dismiss Case by Dale B Adams. (rw) (Entered: 04/09/2012)
05/03/2012		TEXT ONLY ORDER granting <u>26</u> Motion to Withdraw Motion; Motions terminated: <u>24</u> MOTION to Dismiss Case filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on May 3, 2012. (jlg) (Entered: 05/03/2012)
07/02/2012	<u>27</u>	ORDER denying <u>14</u> Motion for Leave, denying <u>18</u> Motion to Amend/Correct and denying <u>21</u> Motion to Strike. Signed by Honorable James R. Marschewski on July 2, 2012. (lw) (Entered: 07/02/2012)
07/02/2012	<u>28</u>	ORDER re <u>15</u> MOTION for Summary Judgment filed by Jacqueline A. Berrien and Equal Employment Opportunity Commission. Defendants are directed to file a reply brief, as set forth. Reply brief should be filed by 7/9/12. Signed by Honorable James R. Marschewski on July 2, 2012. (lw) (Entered: 07/02/2012)
07/09/2012	<u>29</u>	REPLY by Jacqueline A. Berrien, Equal Employment Opportunity Commission re <u>28</u> Order, <i>in Support of Motion for Summary Judgment</i> . (Attachments: # <u>1</u> Exhibit Declaration of Lynda Fier)(Groom, Deborah) (Entered: 07/09/2012)
07/18/2012	<u>30</u>	RESPONSE by Dale B Adams re <u>29</u> in opposition to EEOC Brief in support Reply. (Attachments: # <u>1</u> Exhibits A,B,C-1,A-1,D,E,F &Appendix A)(rw) (Entered: 07/18/2012)
07/18/2012	<u>31</u>	AFFIDAVIT filed by Dale B Adams re opposing <u>16</u> EEOC'S Memorandum Brief in Support of Summary Judgment. (Attachments: # <u>1</u> Appendix A, # <u>2</u> Appendix B, # <u>3</u> Appendix C)(rw) (Entered: 07/18/2012)
08/08/2012	<u>32</u>	REPORT AND RECOMMENDATIONS re <u>15</u> Defendants MOTION for Summary Judgment filed by Jacqueline A. Berrien, Equal Employment Opportunity Commission. Objections to RRdue by 8/27/2012. Signed by Honorable James R. Marschewski on August 8, 2012. (sh) (Entered: 08/08/2012)
09/10/2012		TEXT ONLY ORDER canceling jury trial set for 9/24/2012. Signed by Honorable P. K. Holmes, III on September 10, 2012. (jas) (Entered: 09/10/2012)
09/26/2012	<u>33</u>	ORDER AND JUDGMENT ADOPTING <u>32</u> REPORT AND RECOMMENDATIONS and granting defendants' <u>15</u> Motion for Summary Judgment; further plaintiff's case is dismissed with prejudice. Signed by Honorable P. K. Holmes, III on September 26, 2012. (rw) (Entered: 09/26/2012)